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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/479,999	06/28/1994	CHRISTINE L. BRAKEL	ENZ-47(C)	8801
28171	7590	10/14/2005	EXAMINER	
ENZO BIOCHEM, INC. 527 MADISON AVENUE (9TH FLOOR) NEW YORK, NY 10022			ART UNIT	PAPER NUMBER

DATE MAILED: 10/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Notification of Non-Compliant Appeal Brief (37 CFR 41.37)	Application No. 08/479,999	Applicant(s) BRAKEL ET AL.	
	Examiner Shubo (Joe) Zhou	Art Unit 1631	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 12/1/04 is defective for failure to comply with one or more provisions of 37 CFR 41.37.


To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☒ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☒ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☐ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

It is noted that the original brief was filed 7/19/04. Thus, the amended brief is acceptable if it complies with either the former 37 CFR 1.192 or the new 37 CFR 41.37(c).

The brief filed 12/1/04 is not completely in compliance with the former 37 CFR 1.192 because in the section "Grouping of Claims", the brief includes a statement that the claims do not stand or fall together, yet, in the "Argument" section, it does not "explain why the claims of the group are believed to be separately patentable," as specifically required by 192(c)(7).

The brief is not in compliance with the requirements of 37 CFR 41.37 because it does not include the required items, as noted in item 1 above, such as: "Summary of the Claimed Subject Matter", "Grounds of Rejection to be Reviewed on Appeal", "Evidence Appendix. Further, in the Status of Claim section, the brief does not contain a statement for the status of all the claims (e.g. rejected, allowed or canceled) as required by 37 CFR 41.37(c)(1)(iii).


ARDIN H. MARSCHEL
 SUPERVISORY PATENT EXAMINER

